



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA UPS

OCT 31 2016

Mr. James Struck
President
K & L Plating, Inc.
524 E. Mifflin Street
Lancaster, PA 17602

Re: Notice of Violation
Compliance Evaluation Inspection
July 27, 2016
EPA ID No. PAD003018587

Docket No.: R3-17-NOV-RCRA-05

Dear Mr. Struck:

On July 27, 2016, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection ("CEI") of K & L Plating, Inc. ("the Facility" or "K & L") located at 524 E. Mifflin Street, Lancaster, Pennsylvania, 17602, under the federally authorized Commonwealth of Pennsylvania Hazardous Waste Management Regulations ("PaHWMR") and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the information gathered during and after the EPA CEI, EPA has determined that K & L has violated regulations under PaHWMR and RCRA. As a result of this determination, EPA is issuing this Notice of Violation ("NOV"). The specific violation(s) are:

1. During the July 27, 2016 CEI, the EPA inspectors observed a hazardous waste accumulation container that was not marked with the words "Hazardous Waste." Please see Photo #22 in the Photographic Log of the EPA CEI report provided as Attachment A. Based on the observations made during the EPA CEI, K & L failed to label the container with the words "Hazardous Waste." This is a violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.34(a)(3).
2. During the July 27, 2016 CEI, the EPA inspectors observed two hazardous waste containers that were open at the time of the inspection (Photo #22 & Photo #26). K & L failed to keep the containers of hazardous waste closed during storage, except when it is necessary to add or remove waste. This is a violation of 25 Pa. Code § 264a.1, which in turn references 40 C.F.R. § 264.173(a).
3. During the July 27, 2016 CEI, the EPA inspectors observed uncontained listed F006 hazardous waste filter cake that was generated from the onsite wastewater treatment unit. The filter cake was accumulated on the floor of the Facility (Photo #20). K & L failed to design, construct, maintain, and operate the Facility in a manner that properly minimized the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to the air, soil, or surface water which could threaten human health or the environment. This is a violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.31.

4. During the July 27, 2016 CEI, K & L was missing the treatment, storage, and disposal facility ("TSDF") signed and returned copy of hazardous waste manifest #012010659JJK that was dated as 10/15/14. K & L failed to file an exception report after not receiving the hazardous waste manifest with the handwritten signature of the TSDF within 45 days of the date the waste was first accepted by the transporter. This is a violation of 25 Pa. Code § 262a.10, which incorporates by reference 40 C.F.R. § 262.42(a)(2).
5. During the July 27, 2016 CEI, K & L personnel indicated that its contingency plan was last revised in January of 2015, and the revised version of the contingency plan had not been submitted to local emergency responders. This is a violation of 25 Pa. Code § 264a.1, which incorporates by reference 40 C.F.R. § 264.53(b).

Areas of Concern

During the July 27, 2016 EPA CEI, Facility personnel stated that spent aerosol cans and universal waste lamps are occasionally transported to the Lancaster County Solid Waste Management Authority landfill with no hazardous waste manifest. Due to the types of propellants and products typically found in aerosol cans, the contents of such cans may exhibit the characteristic of flammability [D001] for hazardous waste. Therefore, offsite shipments of aerosol can hazardous wastes must be accompanied by a hazardous waste manifest. Additionally, spent universal waste lamps are potentially characteristic hazardous wastes for the toxicity of mercury [D009]. Please contact PADEP regarding your Facility's past practice of transporting spent aerosol cans and universal waste lamps to the Lancaster County Solid Waste Management Authority landfill.

A copy of the EPA CEI report, documenting the findings of the inspector, is enclosed as Attachment A for your information and includes only those attachments not provided by the Facility representative(s) at the time of or subsequent to the inspection.


Within **thirty (30) calendar days** of the receipt of this NOV, please submit documentation of any measures that the Facility has taken or is taking to achieve compliance with the violations noted above. If the compliance measures identified are planned or are ongoing, please provide a schedule for when the compliance measures will be completed. If the Facility can provide documentation which shows that EPA's determination of the alleged violation(s) is in error, please submit this information as well. Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day for each violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law.

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, enclosed Attachment B, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not you [or your company] are covered by the SBREFA.

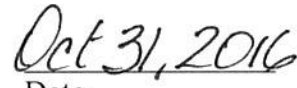
This Notice of Violation is not intended to address all past violations, nor does it preclude EPA from including any ongoing, including the ones cited in this letter, or past violations in any future enforcement action. Your response to this NOV shall be addressed to:

Andrew Ma
U.S. Environmental Protection Agency - Region III
Environmental Science Center
701 Mapes Road
Fort Meade, MD 20755

If you have any questions regarding this matter, please feel free to contact Mr. Andrew Ma at (410) 305-3429.



Carol Amend
Associate Director
Land & Chemicals Division
Office of Land Enforcement



Date

cc: A. Ma (3LC70) w/o
P. Belgiovane (3LC70) w/o
M. Gross (PADEP) w/o